

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following page is hereby ORDERED.

Upon the motion of Citadel Federal Credit Union (“Movant”) under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is **ORDERED** that the motion is granted, and the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant’s rights in the following:

2019 Nissan Altima, Vin # 1N4BL4BV3KC191162

It is further **ORDERED** that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the automobile loan and pursue its state court remedies including taking possession of said Vehicle and may take any legal action for enforcement of its right to possession of the Vehicle.

It is further **ORDERED** that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the

Bankruptcy Code.

It is further **ORDERED** that the movant shall be permitted to reasonably communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable nonbankruptcy law.

It is further **ORDERED** that the Trustee is directed to cease making any further distributions to the Creditor.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

U.S.B.C. Chrstine M. Gravelle

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	

**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR RELIEF OF
CITADEL FEDERAL CREDIT UNION
FROM THE AUTOMATIC STAY UNDER SECTIONS 362 (A) OR IN THE
ALTERNATIVE ADEQUATE PROTECTION**

M. Jacqueline Larkin, Esquire, being of full age, being duly sworn according to law, upon her oath, deposes and says:

1. I am an attorney at law of the State of New Jersey and a Partner with the firm of Vaughan McLean.
2. I make this Certification in support of Citadel’s Motion for Relief from the Automatic Stay.
3. Michelle Thomas (“Debtor”), Respondent herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code, on January 11, 2024, under Bankruptcy No. 24-10306-CMG.
4. A Chapter 13 plan was filed on January 11, 2024.

5. Movant is a secured creditor of the Debtor and the facts are more fully set forth below. See

6. On or about, November 9, 2021, the debtor entered into a loan and security agreement (the “security agreement”) with the Movant for the Debtor’s acquisition and purchase of a 2019 Nissan Altima. A true and correct copy of the security agreement is attached hereto as Exhibit A.

7. Pursuant to the Security Agreement with Movant, Debtor was to pay \$482.26 monthly.

8. The Plan states that Debtor will make post-petition or adequate assurance payments to Movant.

9. As of the date of the filing of the bankruptcy on January 11, 2024, Movant was the Holder of the secured claim against the Debtor in the amount of \$25,027.28 as shown in Movant’s Proof of Claim. *See Claim No. 3-1 on the Claims Register.*

10. On January 11, 2024, the total arrearages owed through the Plan were \$2,850.14 *See Claim No. 3-1.*

11. Debtor has not made the post-petition payments for the months of February, March, April, May, June and July 2024.

12. The total amount owed is as follows:

02/09/2024	07/09/2024	@\$482.26P/M	\$ 2,893.56
		Attorney’s fee	650.00
		Filing fee	181.00
		TOTAL DUE	\$ 3,724.56

13. As a result of Debtor’s default and failure to make payments or to otherwise fail to adequately provide for Movant, Movant is not adequately protected and is entitled to relief.

14. The Vehicle is a depreciating asset and Movant does not have adequate protection in the decreasing value of the Vehicle.

15. Pursuant to 1325(a)(5)(B)(iii)(II), the Movant should be receiving adequate protection payments from the Debtor for the protection of the Movant's interest in the Vehicle.

16. Pursuant to Section 1326(a)(1)(C), there should be adequate protection payments to Movant due to their security interest in the vehicle and these payments should be occurring during the time period prior to plan confirmation.

17. Any payments made pursuant to 1326(a)(1)(C) will be credited towards the amount the Debtor must pay under the proposed Chapter 13 plan.

18. Taking into consideration the total amount owed on the security agreement with the likely costs of the sale, accruing interest and depreciating value as a result of Debtor's continued use of the collateral, the Debtor has no equity in the Vehicle.

19. By reason of the foregoing, Movant respectfully requests an Order granting Movant relief from the automatic stay provisions of the Bankruptcy Code so as to allow Movant or its agents to repossess and sell the Vehicle in accordance with its rights under the security agreement; or in the alternative, that the Debtor provide adequate protection payments to Movant until the confirmation of Debtor's plan.

VAUGHAN MCLEAN

By: /s/ M. Jacqueline Larkin
M. Jacqueline Larkin, Esq.
ID No. 30919
Two Logan Square
100 N. 18th Street, Suite 700
Philadelphia, PA 19103
(215) 569-2400

Date: July 18, 2024

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	

CERTIFICATION OF SERVICE

I, M. Jacqueline Larkin, Esquire, represent the Movant in the above-captioned matter and hereby certify that I did cause a true and correct copy of the foregoing:

- Notice of Motion for Relief from the Automatic Stay,
- Certification Regarding Post-Petition Payment History,
- Exhibits-Loan Documents and
- Statement as to Why no Brief is Necessary and the
- Proposed Order

be served on this 18th day of July, 2024 the CM/ECF System of the Court upon the following individuals and first-class mail:

Theodore R. Thomas
Michelle L. Thomas
16 Laurie Way
Burlington, NJ 08016
Debtors

Kevin C. Fayette
Law Offices of Kevin Fayette, LLC
1675 Whitehorse Mercerville Road
Suite 204
Hamilton, NJ 08619
Attorney for Debtors

Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650-4853

I hereby certify that under penalty of perjury that the above documents were sent using the mode of service indicated.

VAUGHAN MCLEAN

By: /s/ M. Jacqueline Larkin
M. Jacqueline Larkin, Esq.
Attorney ID No. 309190
Two Logan Square
100 N. 18th Street, Suite 700
Philadelphia, PA 19103
(215) 569-2400

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR IN THE
ALTERNATIVE ADEQUATE PROTECTION**

TO: Theodore R. Thomas
Michelle L. Thomas
16 Laurie Way
Burlington, NJ 08016
Debtors

Kevin C. Fayette
Law Offices of Kevin Fayette, LLC
1675 Whitehorse Mercerville Road
Suite 204
Hamilton, NJ 08619
Attorney for Debtors

Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650-4853

PLEASE TAKE NOTICE, that on August 7, 2024 at 9:00am or as soon thereafter as counsel can be heard, the undersigned attorney for Citadel Federal Credit Union will move before the United States Bankruptcy Court, Honorable Christine M. Gravelle, U.S.B.J., Courtroom Number 3, 402 East State Street, Trenton, NJ 08608, for an Order on Motion for Relief from the Automatic Stay with respect to the following property: 2019 Nissan Altima.

PLEASE TAKE FURTHER NOTICE that the Motion is based on the default in post-petition payments due to Movant. Movant asserts that the facts and law it relies upon in making this Motion are neither complicated nor unique and therefore no brief or legal memorandum is necessary pursuant to D.N.J. LBR 9013-1. Movant shall rely on the Certification and Proposed Order attached hereto.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested shall be in writing, specify with particularity the basis for such objections, and be filed with the Clerk of Court and served on counsel for Movant, Vaughan McLean, 700 N. 18th Street, Suite 700, Philadelphia PA, 19063, so as to be received no later than seven (7) days before the return date, in accordance with D.N.J. LBR 9013-2(a). Unless objections are timely filed and served, the Motion may be deemed uncontested.

VAUGHAN MCLEAN

By: /s/ M. Jacqueline Larkin
M. Jacqueline Larkin, Esq.
Attorney ID No. 309190
Two Logan Square
100 N. 18th Street, Suite 700
Philadelphia, PA 19103

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LNBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the Court's consideration of this Motion, as it does not involve complex issues of law.

VAUGHAN MCLEAN

By: /s/ M. Jacqueline Larkin
M. Jacqueline Larkin, Esq.
Attorney ID No. 309190
Two Logan Square
100 N. 18th Street, Suite 700
Philadelphia, PA 19103

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	:	
	:	
THEODORE THOMAS	:	CASE NO. 24-10306-CMG
MICHELLE L. THOMAS	:	
	:	
CITADEL FEDERAL CREDIT UNION	:	CHAPTER 13
	:	
MOVANT,	:	11 U.S.C. § 362
	:	
	:	
v.	:	
	:	
THEODORE THOMAS	:	
MICHELLE THOMAS	:	HEARING DATE: August 7, 2024
DEBTOR,	:	
	:	
	:	Judge Christine M. Gravelle
ALBERT RUSSO, TRUSTEE	:	
ADDITIONAL RESPONDENT	:	
ADDITIONAL RESPONDENT	:	

**CERTIFICATION OF CREDITOR REGARDING POST-PETITION PAYMENT
HISTORY**

I, Ed Ashman, employed a Vice President of Collections by Citadel Federal Credit Union (“Citadel”) hereby certifies the following:

1. On or about, November 9, 2021, the debtor entered into a loan and security agreement (the “security agreement”) with the Movant for the Debtor’s acquisition and purchase of a 2019 Nissan Altima Vin # 1N4BL4BV3KC191162. A true and correct copy of the security agreement is attached hereto as Exhibit A.
2. Pursuant to the Security Agreement with Movant, Debtor was to pay \$482.26 monthly.
3. Michelle Thomas (“Debtor”), Respondent herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code, on January 11, 2024, under Bankruptcy No. 24-10306-CMG.
4. Debtor has not made the post-petition payments to Citadel for the months of February, March, April, May, June and July 2024.

5. The total amount owed is as follows:

02/09/2024	07/09/2024	@\$482.26P/M	\$ 2,893.56
		Attorney's fee	650.00
		Filing fee	181.00
		TOTAL DUE	\$ 3,724.56

See attached pay history.

I certify under penalty of perjury that the above is true.

Date: 7/18/2024


Signature

Payment History

Account Number: 933532
Suffix: 0001

	Date	Amount	Memo	Type	User	Status	Transaction Code	Transaction Description	Transaction ID
1	6/17/2024 2:57:00 PM	\$169.80	0	Host		POSTED	PAY		
2	10/5/2023 6:04:00 AM	\$300.00	0	Host		POSTED	PAY		
3	9/11/2023 2:32:00 PM	\$300.00	0	Host		POSTED	ADJ		
4	9/7/2023 6:01:00 AM	\$300.00	0	Host		POSTED	PAY		
5	9/7/2023 6:01:00 AM	\$300.00	0	Host		POSTED	PAY		
6	8/25/2023 8:23:00 AM	\$300.00	0	Host		POSTED	PAY		
7	7/27/2023 6:00:00 AM	\$300.00	0	Host		POSTED	PAY		
8	7/13/2023 11:29:00 AM	\$290.00	0	Host		POSTED	PAY		
9	4/20/2023 7:04:00 AM	\$774.00	0	Host		POSTED	PAY		
10	4/7/2023 7:04:00 AM	\$280.00	0	Host		POSTED	PAY		
11	3/17/2023 7:04:00 AM	\$300.00	0	Host		POSTED	PAY		
12	2/24/2023 7:03:00 AM	\$200.00	0	Host		POSTED	PAY		
13	2/10/2023 7:05:00 AM	\$280.00	0	Host		POSTED	PAY		
14	1/27/2023 7:07:00 AM	\$290.00	0	Host		POSTED	PAY		
15	1/13/2023 7:04:00 AM	\$280.00	0	Host		POSTED	PAY		
16	12/29/2022 8:07:00 PM	\$280.00	0	Host		POSTED	PAY		
17	12/15/2022 8:06:00 PM	\$280.00	0	Host		POSTED	PAY		
18	12/5/2022 11:42:00 AM	\$300.04	0	Host		POSTED	ADJ		
19	12/2/2022 7:04:00 AM	\$200.00	0	Host		POSTED	PAY		
20	12/1/2022 8:12:00 AM	\$300.00	0	Host		POSTED	PAY		

21	11/17/2022 7:05:00 AM	\$300.00	0	Host		POSTED	PAY		
22	11/3/2022 7:03:00 AM	\$377.00	0	Host		POSTED	PAY		
23	10/21/2022 9:14:00 AM	\$300.00	0	Host		POSTED	ADJ		
24	10/19/2022 7:03:00 AM	\$300.00	0	Host		POSTED	PAY		
25	10/7/2022 9:31:00 AM	\$300.00	0	Host		POSTED	ADJ		
26	10/5/2022 7:02:00 AM	\$300.00	0	Host		POSTED	PAY		
27	9/22/2022 7:03:00 AM	\$300.00	0	Host		POSTED	PAY		
28	9/8/2022 7:03:00 AM	\$300.00	0	Host		POSTED	PAY		
29	8/25/2022 7:04:00 AM	\$264.00	0	Host		POSTED	PAY		
30	8/11/2022 7:03:00 AM	\$300.00	0	Host		POSTED	PAY		
31	8/5/2022 7:02:00 AM	\$200.00	0	Host		POSTED	PAY		
32	8/1/2022 11:29:00 AM	\$300.00	0	Host		POSTED	ADJ		
33	7/28/2022 7:02:00 AM	\$300.00	0	Host		POSTED	PAY		
34	7/13/2022 7:07:00 AM	\$100.00	0	Host		POSTED	PAY		
35	7/13/2022 7:07:00 AM	\$170.00	0	Host		POSTED	PAY		
36	7/5/2022 11:48:00 AM	\$202.00	0	Host		POSTED	ADJ		
37	6/30/2022 7:04:00 AM	\$202.00	0	Host		POSTED	PAY		
38	6/16/2022 7:05:00 AM	\$281.00	0	Host		POSTED	PAY		
39	5/19/2022 7:04:00 AM	\$450.00	0	Host		POSTED	PAY		
40	5/2/2022 7:02:00 AM	\$170.00	0	Host		POSTED	PAY		
41	3/25/2022 7:04:00 AM	\$420.00	0	Host		POSTED	PAY		
42	2/18/2022 7:03:00 AM	\$415.00	0	Host		POSTED	PAY		
43	1/13/2022 7:07:00 AM	\$413.79	0	Host		POSTED	PAY		

44	12/17/2021 8:07:00 PM	\$414.00	0	Host		POSTED PAY		
----	--------------------------	----------	---	------	--	------------	--	--